

## REMARKS

In accordance with the foregoing, claims 1, 11, and 21 are amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-30 are pending and under consideration. Reconsideration is respectfully requested.

### ENTRY OF AMENDMENT UNDER 37 CFR §1.116

Applicant requests entry of this Rule 116 Response because it is believed that the amendment of claims 1, 11, and 21 puts this application into condition for allowance and should not entail any further search by the Examiner since no new features are being added and no new issues are being raised. Claims 1, 11, and 21 are merely amended to clarify the grammar in response to the Examiner's contention that the claims are indefinite, and recite using claim 1 as example, a method executed by a broadcasting server, for controlling interlock of an interactive service with data broadcasting.

### PAGES 3-4: REJECTION OF CLAIMS 1, 11, AND 21 UNDER 35 U.S.C. §112, SECOND PARAGRAPH

On pages 3-4 of the Office Action, the Examiner rejects claims 1, 11 and 21 under 35 U.S.C. §112, second paragraph, as being indefinite. The Examiner contends the:

preamble of the claim states that a program is executed by a broadcasting server, while the body of the claims states that the program is provided by an interactive server. These statements contradict each other.

Claims 1, 11, and 21 are amended herein to recite, using claim 1 as an example, to recite "a method, executed by a broadcasting server, for controlling interlock of an interactive service with data broadcasting, said method comprising: acquiring information specifying an interactive service . . . ; transmitting said information specifying said interactive service and said information specifying said service time, which are acquired in said acquiring, to an interactive server, which is independent from said broadcasting server, and which executes an application that provides said interactive service to a broadcasting receiver."

That is, as recited in the preamble, the broadcasting server executes a controlling interlock of an interactive service with data broadcasting, but does not execute an application that provides interactive service.

However, as recited in the body of the claim, the application that provides interactive service is executed by the interactive server, which is independent from the broadcasting server.

Applicant submits that claims 1, 11 and 21 are definite and comply with 35 U.S.C. §112, second paragraph and request withdrawal of the rejections.

Applicant also submits that such recitation addresses the Examiner's contention that in pages 2-3 of the Office Action, entitled Response To Arguments, that the limitation of the servers having different means of delivery is not claimed and not considered.

**PAGES 2-6: REJECTION OF CLAIMS 7-10, 17-20, AND 27-30 UNDER 35 U.S.C. §102(e) AS BEING ANTICIPATED BY MALAURE ET AL. (U.S.P. 6, 446,262)**

**PAGES 6-10: REJECTION OF CLAIMS 1-6, 11-16, AND 21-26 UNDER 35 U.S.C. §103(a) AS BEING UNPATENTABLE OVER MALAURE IN VIEW OF HEMPLEMAN (U.S.P. 6,243,725)**

On pages 2-6 of the Office Action, the Examiner rejects independent claims 7, 17, and 27 (and respective dependent claims 8-10, 18-20 and 28-30) under 35 U.S.C. §102(e) as being anticipated by Malaure, and on rejects independent claims 1, 11, and 21 (and respective dependent claims 2-6, 12-16, and 22-26) under 35 U.S.C. §103(a) as being unpatentable over Malaure in view of Hempleman.

The rejections are traversed. Applicant submits that features recited by at least the independent claims 1, 7, 11, 17, 21, and 27 are not taught by the cited art, alone or in combination.

I. Claim 1, as amended, recites "a method, executed by a broadcasting server, for controlling interlock of an interactive service with data broadcasting, said method comprising: acquiring information specifying an interactive service associated with data broadcasting and information specifying a service time of said interactive service; transmitting said information specifying said interactive service and said information specifying said service time, which are acquired in said acquiring, to an interactive server, which is independent from said broadcasting server, and which executes an application that provides said interactive service to a broadcasting receiver."

That is, as recited in the preamble:

1) the broadcasting server executes the method for controlling interlock of an interactive service with data broadcasting  
and (as recited in the body of the claims):

2) the application that provides said interactive service is executed by the interactive server.

The broadcasting server does not execute an application that provides interactive service. The interactive server that executes the application that provides interactive service is independent from the broadcasting server.

Neither Malaure nor Hempleman, alone or in combination, teach the recited features of the present invention. Rather, the CCS in Malaure transmits the setup data to the user interface.

The multiplexer in Malaure, which relays the setup data received from CCS, does not execute the interactive application. The interactive application is executed by a user interface.

Malaure does not teach a situation that the interactive server, which executes the application that provides said interactive service to the broadcasting receiver, is provided in addition to the broadcasting server and the broadcasting receiver.

In Malaure, the user's score is transmitted from a user interface, which may correspond to a broadcasting receiver in this claim, and received by the CCS. On the other hand, the information specifying said interactive service is transmitted from the broadcasting server, which may correspond to the Broadcast TV stations in Malaure.

Thus, Malaure. does not teach a transmitting as recited by claim 1.

Moreover, Malaure does not teach that the CCS communicates with the Broadcast TV stations. Therefore, Malaure does not teach that the interactive server receives information specifying said interactive service from the broadcasting server.

The Examiner states that Hempleman discloses transmitting information specifying service time. However, Hempleman does not teach a method for controlling interlock of an interactive service with data broadcasting. Thus, Applicant submits there is no motivation to combine Hempleman with Malaure.

Moreover, the "total play time" in the lines cited by the Examiner does not teach information specifying service time as recited in claim 1. Furthermore, Hempleman does not describe or suggest that such "total play time" is transmitted from the broadcasting server to the interactive server.

Independent claims 11 and 21 provide similar recitations to claim 1. Thus, the above argument, which distinguishes claim 1 over Malaure and Hempleman, also distinguishes claims 11 and 21 over Malaure and Hempleman. Therefore, it is respectfully submitted that independent claims 1, 11 and 21 patentably distinguish over the prior art.

II. Dependent claims 2-3, 12-13, and 22-23 depend from claims 1, 11, and 21 respectively. Furthermore, the dependent claims recite further patentable subject matter. By example, dependent claim 3 recites a method "wherein said acquiring further includes extracting second information specifying said interactive service from content information of said data broadcasting and comparing the second extracted information with said information specifying said interactive service extracted from said interactive service organization information."

On page 8 of the Action, the Examiner states "comparing scores of different players is

interpreted as being equivalent to comparing the extracted data to the interactive service data."

Applicant submits that the Examiner's statement is not properly supported. The Applicant respectfully traverses the Examiner's statement and demands the Examiner produce authority for the statement. The Applicant specifically points out the following error in the Examiner's action. See M.P.E.P. § 2144.03(B) ("there must be some form of evidence in the record to support an assertion of common knowledge").

In addition if the Examiner also bases the rejection, at least in part, on personal knowledge, the Examiner is required under 37 C.F.R. § 1.104(d)(2) to support such an assertion with an affidavit when called for by the Applicant. Thus, Applicant calls upon the Examiner to support such assertion with an affidavit.

Applicant submits that user's scores are completely different from the extracted data or the interactive service data in the point that the scores are entered by users after the interactive application is executed.

Malaure does not teach comparing the second extracted information with information specifying said interactive service extracted from the interactive service organization information.

Dependent claims 13 and 23 have similar recitations to claim 3. Thus, the above argument, which distinguishes claim 3 over the cited art, also distinguishes claims 13 and 23. Therefore, it is respectfully submitted that dependent claims 2-3, 12-13, and 22-23 patentably distinguish over the prior art.

III. Dependent claims 4- 5, 14-15, and 24-25 are dependent upon claim 1, 11, and 21 respectively. Furthermore, dependent claim 5, recites, a method "generating information as to whether each interactive service must be activated at present based on said information specifying said service time of each said interactive service, and wherein in said transmitting, said information as to whether each said interactive service must be activated at present is further transmitted."

On page 9 of the Action, the Examiner states that "authorizing a customer for a pay service is interpreted as being equivalent to activating or deactivating a service."

Applicant submits that this Examiner's statement is also not properly supported. The Applicant respectfully traverses the Examiner's statement and demands the Examiner produce authority for the statement, or an affidavit.

Further, whether each interactive service must be activated, as recited in this claim is determined based on "information specifying the service time of each interactive service," not

based on the result of the authorization as disclosed by Malaure.

Claims 15 and 25 provide similar features to claim 5. Thus, the above argument, which distinguished claim 5 over Malaure, also distinguishes claims 15 and 25 over Malaure. Therefore, it is respectfully submitted that dependent claims 4 5, 14-15, and 24-25 patentably distinguish over the prior art.

IV. Dependent claims 6, 16, and 26 are dependent upon claim 1, 11, and 21 respectively. Furthermore, claim 6, recites a method "further comprising, if information indicating an operating state of said interactive service is received from said interactive server, deleting or invalidating designation of an inactive interactive service in content information of said data broadcasting."

As discussed for example, on page 3, lines 3-7 of the specification, the present invention discloses an assumption that an interactive service is not activated for some reason although the interactive service should have been activated, and an object to cause a viewer of the data broadcasting not to seek provision of the inactive interactive service.

Neither Malaure nor Hempleman teach such recited assumption or object.

As described in page 16, lines 16-23 of the specification, information indicating an operating state of said interactive service is based on whether the service is actually active, not only whether the program flag is ON.

Malaure, however, merely teaches a status flag. There is no description or suggestion in Malaure for information indicating an operating state of said interactive service in this claim, or for deleting or invalidating designation of an inactive interactive service in content information of said data broadcasting.

Dependent claims 16 and 26 have similar recitations to claim 6. Thus, the above argument, which distinguished claim 6 over the cited art, also distinguishes claims 16 and 26 over the cited art. Therefore, it is respectfully submitted that claims 6, 16, and 26 patentably distinguish over the cited art.

V. Independent claim 7 recites a method for controlling interlock of an interactive service with data broadcasting in an interactive server that provides said interactive service associated with said data broadcasting to a broadcasting receiver including "wherein said broadcasting server is managed independently from said interactive server . . . extracting a set of information specifying interactive service have a relation to said interactive server."

As discussed for claim 1, Malaure does not teach the interactive server, which is managed independently from the broadcasting server, and which executes an interactive

application.

Moreover, the method of claim 7 includes extracting a set of information specifying interactive service "having a relation to said interactive server." The extracting is necessary in case that the broadcasting server transmits broadcasting data to a plurality of the interactive server, as described in page 6, lines 10-13 of the specification. In this case, the broadcasting data also includes data that has no relation to the interactive server, and the interactive server must extract data having relation to the interactive server from the received broadcasting data.

Malaure does not teach a situation that the interactive server, which executes the application that provides said interactive service to the broadcasting receiver, is provided in addition to the broadcasting server, which may correspond to the CCS, and the broadcasting receiver, which may correspond to the user interface. In particular, "BBC1" and "CCS" cited by the Examiner do not teach, a "broadcasting server is managed independently from said interactive server." Rather, Malaure merely teaches (see, for example, col. 3, starting at line 10) that:

(t)he digital broadcast network shown in FIG. 1 comprises an interactive game control system 1 including a central computer system (CCS) 2 . . . Broadcast TV stations 8 (BBC1) . . . generate digital audio and video signals which are fed to the broadcast headend multiplexer 4 via respective data feeds 10,11.

That is, Malaure teaches a digital network includes both the BBC1 and the CCS i.e., the central computer system and that the BBC1 and CCS are not controlled independently.

The Examiner cites Malaure col. 5, lines 1-8 as teaching these features extracting a set of information specifying interactive service "having a relation to said interactive server." (Action at page 5). Applicant submits that such a relation is not taught by Malaure as the Examiner incorrectly contends. Rather, Malaure merely teaches in col. 5, lines 1-8 that:

(o)nce all of the setup data has been downloaded (or sufficient components of it to allow execution to commence) timed execution of the scheduled interactive application can commence.

Malaure does not teach that the interactive server receives information specifying an interactive service from the broadcasting server. As described above, the CSS in Malaure does not communicate with the Broadcast TV stations. Therefore, there is no motivation to modify Malaure et al. to extract information specifying interactive service having a relation to the interactive server.

The cited portion in Malaure et al. (col. 5, lines 1-8) discloses an action executed by CPU 25, which may correspond to the broadcasting receiver in this claim, not to the Interactive server. Therefore, Malaure does not teach extract information specifying interactive service having a

relation to the interactive server.

Accordingly, claim 7 is not anticipated by Malaure nor obvious from Malaure and Hempleman. Claims 17 and 27 provide similar features to independent claim 7. Thus, the above argument, which distinguishes claim 7 from the cited art. also distinguishes claims 17 and 27 from the cited art. Therefore, claims 7, 17 and 27 patentably distinguish over the cited art.

Dependent claims 8-10; 18-20; and 28-30 are dependent upon claims 7, 17, and 27 respectively. For the reasons stated with respect to independent claims 7, 17, and 27, these dependent claims also patentably distinguish over the prior art.

### Summary

Since features recited by 1-30 are not taught by the cited art, alone or in combination, the rejections should be withdrawn and claims 1-30 allowed.

### CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

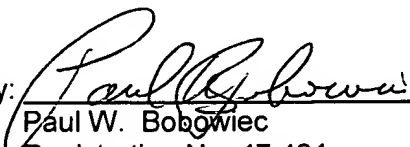
If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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